

CITY COUNCIL AGENDA

DECEMBER 11, 2001

AMENDED AGENDA

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (Mayor)**
Imam Tahir
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

ITEM 10.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

ADJOURNMENT: This meeting will be adjourned in memory of Lucas Michael Freitas, the one-month old son of Harry and Angela Freitas; Harry has been with the City for 11 years and currently works in the Department of Transportation.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Chairman Rick Sanchez and the Board of Directors of the San José Sports Hall of Fame for their efforts in hosting this year's Hall of Fame Induction Dinner on November 7, 2001, and recognition to Rick Sanchez for his leadership during his four years of service as Chairman. (LeZotte)
- 1.2** Presentation of a commendation to Fire Engineer Charles Carter who, after the terrible events at the World Trade Center in New York, used his own money and personal time off to assist in the rescue efforts at Ground Zero. (LeZotte)

1 CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Lillian Silberstein for her years of service to the community. (Mayor)
- 1.4 Presentation of a commendation to the City of San José for improving its classification from a Class 8 to a Class 7 in the National Flood Insurance Program's Community Rating System, resulting in a City-wide savings of over \$634,000 as a result of reduced flood insurance premiums. (Public Works)

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of June 19, 2001
- (b) Joint Council/Redevelopment Agency Board meeting of June 19, 2001
- (c) Joint Financing Authority/ Redevelopment Agency Board meeting of June 19, 2001

2.2 Final adoption of ordinances.

2.3 Approval of an amendment to the agreement with Shaw Pittman for legal services.

Recommendation: Approval of a second amendment to the legal services agreement with Shaw Pittman to increase the total compensation allowed by \$6,000, for a total not to exceed \$206,000, to allow payment for additional services during the 2000-2001 term of the agreement. (City Attorney's Office)

2.4 Approval of fiscal actions related to a grant awarded to the Library.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments increasing the Library Department's grants appropriation by \$10,000. (City Manager's Office)

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #15, and authorization for the Director of General Services to execute the purchase orders. (General Services)

2 CONSENT CALENDAR

2.6 Approval of an agreement to provide fountain and vending products for Happy Hollow Park and Zoo.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute a five year concession agreement with Pepsi Bottling Group to provide fountain and vending products, equipment, and marketing opportunities for Happy Hollow Park and Zoo. (General Services)

2.7 Approval to purchase additional traffic message boards for the Airport.

Recommendation:

- (a) Approval of an option to purchase four additional trailer mounted traffic message boards for the Norman Y. Mineta San José International Airport from Signalisation Ver-Mac, Inc. for the same bid price of \$18,000 per unit, for a total cost of \$77,760 including tax and delivery.
- (b) Authorization for the Director of General Services to execute a purchase order for the:
 - (1) Immediate purchase of four additional units.
 - (2) Subsequent purchase of the additional units at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

2.8 Approval of various actions related to the Almaden Apartments.

Recommendation: Adoption of a resolution:

- (a) Approving an amendment of the Affordability Restrictions for the Almaden Apartments located at 150, 162, 164, 714, and 722 Duane Street, reducing the number of affordable units by one.
- (b) Approving the transfer of one affordable unit from Almaden Apartments to a 14-unit, InnVision-sponsored project located at 96 South Tenth Street.

Council District 3. SNI: Washington. (Housing)

TO BE HEARD WITH ITEM 2.9

2.9 Approval of the rescission of 30-year Affordability Restrictions and authorizing the transfer of affordability restrictions for Innvision of Santa Clara Valley.

Recommendation: Adoption of a resolution:

- (a) Approving the rescission of 30-year Affordability Restrictions existing on two 4-plexes (eight units total) located at 1361 and 1440 Dubert Lane.
- (b) Authorizing the transfer of affordability restrictions to be recorded on a 14-unit property located at 96 South Tenth Street.
- (c) Authorizing the Acting Director of Housing to execute the required documents.

Council Districts 3 and 7. SNI: Santee and 13th. (Housing)

(Deferred from 11/13/01 – Item 2.5)

TO BE HEARD WITH ITEM 2.8

2 CONSENT CALENDAR

2.10 Approval of various actions in accordance with the Finance and Infrastructure Committee action of October 10, 2001 and as a result of further due diligence related to e-Government Initiatives.

Recommendation:

- (a) Acceptance of the report, which is a synopsis of the status report presented at the October 10, 2001 Finance and Infrastructure Committee meeting and reported out at the October 23, 2001 City Council meeting.
- (b) Adoption of the following appropriation ordinance amendments in the General Fund to:
 - (1) Establish an appropriation for the e-Government Applications Project in the amount of \$97,000.
 - (2) Decrease the e-Government Applications Earmarked Reserve by the amount of \$97,000.
- (c) Adoption of a resolution authorizing the City Manager to execute a first amendment to the agreement with Maximus, Inc. for consulting services on e-Government, extending the term of the agreement from November 2, 2001 to January 31, 2002, at an additional cost of \$97,000, for a total cost of \$195,100.

(Information Technology)

[Finance and Infrastructure Committee referral 10/10/01 – Item 3.3(c)]

2.11 Approval of the City's interest to acquire all or a portion of surplus property owned by Berryessa Union School District.

Recommendation: Adoption of a resolution indicating the City's interest in the acquisition of the surplus Berryessa Union School District property located on the easterly side of Flickinger Avenue, opposite Marcross and Doxey Drives (APN 245-18-003) and amending Table I of the City's School Site Reuse Plan to reflect this interest. CEQA: Exempt. Council District 4. (Planning, Building and Code Enforcement)

2.12 Approval of a purchase agreement for a parcel of land and a right of entry for property on the south side of Hillsdale Avenue.

Recommendation: Approval of an agreement with George P. Thotus and Ellen M. Thotus, trustees of the Thotus Living Trust dated November 12, 1986, for the purchase of a parcel of land and a right of entry relating to property on the south side of Hillsdale Avenue, between Narvaez Avenue and Canoas Creek, in the amount of \$12,800. CEQA: Exempt. Council District 7. (Public Works)

2.13 Nominations to the Metcalf Community Advisory Committee.

- * **Recommendation:** Approval of the nominations to the Metcalf Community Advisory Committee. (Mayor)

(Deferred from 10/30/01 – Item 2.11 et al., and 12/4/01 – Item 2.4)

RECOMMEND DEFERRAL TO 1/8/02

2 CONSENT CALENDAR

2.14 Approval of various actions related to the Norman Y. Mineta San José International Airport runway.

*** Recommendation:**

- (a) Report on bids for the Norman Y. Mineta San José International Airport runway rubber removal and pavement surface cleaning services and approval of award to the low cost vendor, Ackerman & Sons Company, in the amount not to exceed \$125,000, and authorization for the Director of General Services to execute the service order.
- (b) Authorization for the Director of General Services to exercise the option to renew the contract for four (4) additional one (1) year extensions without further Council action, other than the appropriation of funds.

(General Services)

(Deferred from 12/4/01 – Item 2.7)

2.15 Approval of an ordinance adding a Supplemental Retirees' Benefit Reserve Program to the Police and Fire Department Retirement Plan.

- * Recommendation:** Approval of an ordinance adding a Supplemental Retirees' Benefit Reserve Program to the Police and Fire Department Retirement Plan. (Retirement Services)
(Rules Committee referral 12/5/01)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – November 28, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review December 11, 2001 Draft Agenda
 - (a) Additions
 - (2) Add New Items to December 4, 2001 Amended Agenda
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
- (d) Meeting Schedules
 - (1) Approve City Council Meeting Schedule, January –August 6, 2002
- (e) The Public Record
- (f) Boards, Commissions and Committees
 - (1) Airport Curfew Monitoring Committee
 - (2) Recommendation of policy relating to designating speaking times at City Council meetings for representatives of City Boards and Commissions
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
- (h) Administrative Reviews and Approval
- (i) Oral communications
- (j) Adjournment

3.3 Report of the Finance and Infrastructure Committee – November 28, 2001

Council Member Dando, Chair

- (a) Monthly Financial Statement for October
 - (b) Capital Cost Report for October
 - (c) Cash Flow Projection
 - (d) Oral petitions
 - (e) Adjournment
- Redevelopment Agency items reported out at Redevelopment Agency meeting

3 STRATEGIC SUPPORT SERVICES

3.4 Approval to award the purchase of replacement SUV command center vehicles for the Fire Department.

Recommendation:

- (a) Report on bids and award the purchase of five replacement full-size SUV command center type vehicles to the low bidder, Wondries Chevrolet, for a total cost of \$410,131.60 including tax and delivery.
 - (b) Authorization for the Director of General Services to execute the purchase order for the:
 - (1) Immediate purchase of five units; and
 - (2) Subsequent purchase of additional units at the same bid price without further Council action other than the appropriation of necessary funds.
- (General Services)

3.5 Adoption of statements of policy and questions for prospective department heads.

- * **Recommendation:** Discussion and action by the Council (per Charter Section 411.1) to adopt statements of policy and questions for prospective appointees of directors for departments of Planning, Building, and Code Enforcement, Public Works, and Housing. (Reed)
(Rules Committee referral 12/5/01)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Approval of various tobacco control policies for programs funded by the Healthy Neighborhoods Venture Fund.

Recommendation: Adoption of the following tobacco control policies for programs funded by the Healthy Neighborhoods Venture Fund (HNVF):

- (a) Comprehensive Smoke-free Environment Policy requiring HNVF funded programs to prohibit the use of tobacco products at any time in agency vehicles, buildings, and property;
- (b) Disclosure of Tobacco Company Contributions Policy precluding the award of HNVF funds to applicants who receive or solicit funds, goods, or services from tobacco companies but not to applicants who receive or solicit funds, goods, or services from subsidiaries of tobacco companies;
- (c) Fund Acknowledgement Policy requiring HNVF funded programs to acknowledge the receipt of funds from the City of San José HNVF Program and allowing programs that receive contributions from subsidiaries of tobacco companies to acknowledge receipt of funds from only the subsidiary, and not the parent company, in printed and other materials; and,
- (d) Divestment from Tobacco Policy requiring HNVF funded programs to divest any stock or funds in companies that derive more than 15 percent of their revenues from tobacco companies and their subsidiaries.

(Parks, Recreation and Neighborhood Services)

* **RECOMMEND DEFERRAL TO 1/15/02**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

5.2 Approval to award a contract for the Evergreen Park and Fernish Park Play Area Renovation Projects.

Recommendation: Report on bids and award of contract for the Evergreen Park and Fernish Park Play Area Renovation Projects to the low bidder, Robert A. Bothman, Inc., in the amount of \$620,177, and approval of a contingency in the amount of \$63,000. CEQA: Exempt. Council District 8. (Public Works)

6 TRANSPORTATION SERVICES

6.1 Approval of an agreement for the implementation of the Proactive Signal Re-Timing Project.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement for consultant services with Kimley-Horn and Associates and the City of San José, as the lead agency, for the implementation of the Proactive Signal Re-Timing Project in six different jurisdictions, for an amount not to exceed \$500,000. CEQA: Exempt. (Transportation)

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to execute Reuse and Recycling Agreements with various non-profit organizations.

Recommendation: Adoption of a resolution authorizing the City Manager to execute Reuse and Recycling Agreements with the following non-profit organizations for the period from the execution of the agreement to June 30, 2002, in an amount not to exceed \$685,000:

- (a) Goodwill Industries of Santa Clara County, in an amount not to exceed \$435,000.
 - (b) The Salvation Army, in an amount not to exceed \$220,000.
 - (c) St. Vincent de Paul Society, in an amount not to exceed \$30,000.
- (Environmental Services)

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Public Hearing followed by approval for a closure of a portion of Sherman Street and award of a construction contract for the Brenda Lopez Memorial Park.

Recommendation:

- (a) Public Hearing and adoption of a resolution by the City Council to permanently close the northerly 150 linear feet of Sherman Street; and,
- (b) Adoption of a resolution by the Agency Board awarding a construction contract to HRB, Inc., the low bidder, in the amount of \$462,992, for the construction of the Brenda Lopez Memorial Park and establishing a construction contingency in the amount of \$46,299, for a total funding authorization of \$509,291.

CEQA: Resolution No. 65459. Council District 3. SNI: Washington. (Redevelopment Agency)

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9380	E/s of Sunol Street, n/o Park Avenue	6	Summerhill Georgetown LLC	94 units	Single Family Attached	Approve
9381	S/E corner of Willow Street & Delmas Avenue	6	Pulte Home Corporation	30 units	Single Family Attached	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None received.

- Open Forum—To be heard jointly with Redevelopment
Agency Public Discussion.

- **Adjournment**

This meeting is adjourned in memory of Lucas Michael Freitas, the one-month old son of Harry and Angela Freitas; Harry has been with the City for 11 years and currently works in the Department of Transportation.